

**REGULAR SESSION**  
**November 20, 2006**

The Lakeland City Commission met in Regular Session on Monday, November 20, 2006 in the City Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Assistant Finance Director Mike Brossart and City Clerk Kelly Koos were present.

**CALL TO ORDER**

Mayor Fletcher called the meeting to order at 9:01 a.m.

**INVOCATION**

Pastor Alonzo Watkins of Refuge Church of Our Lord offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

**Lakeland Police Department K-9 and SWAT National Award Recognition**

Mayor Fletcher, Tony Delgado and Chief Roger Boatner recognized the Lakeland Police K-9 Unit and the SWAT Team for their National Awards.

**Lakeland Electric – T&D System Protection Methods**

Jim Stanfield introduced Randy Dotson who made the presentation.

**CONSENT AGENDA**

- \* City Commission 11/3/06-11/6/06
- \* Utility Committee 11/6/06
- \* Memo re: Vacation of a Portion of a Public Utility Easement at Lakeside Village on Property Owned by Casto-Oakbridge Venture, Ltd.
- \* Memo re: Waiver of 5:01 p.m. Hearing
- \* Appropriation - General Fund

**Action:** Commissioner Wiggs moved to approve the Consent Agenda. Commissioner Verplanck seconded and the motion carried unanimously.

**APPROVAL OF MINUTES (with any amendments)**

- \* **City Commission 11/3/06-11/6/06**

**Action:** The Commission approved this item on the Consent Agenda.

\* **Utility Committee 11/6/06**

**Action:** The Commission approved this item on the Consent Agenda.

**REQUESTS TO APPEAR FROM THE GENERAL PUBLIC**

I am a homeowner resident of the Grasslands Development and many homeowners and residents are upset regarding additional traffic through our already heavily used internal private roads. We oppose any retroactive redesign, which affects our private inferior roadways traffic and endangers the safety of our residents or guests, and disrupts the effected areas of Grasslands originally promoted as pedestrian continuities, which encouraged internal trips and walkers. As residents, we would like to remain true to that previously City approved lifestyle.

At that meeting residents wish to advise the City Commissioners of a petition currently being circulated regarding the Access G provision in Ordinance 4501 (Section 2, 8fe Acwd, Page 7) and instruct the Community Development Department personnel to develop an alternative connector route or through the proposed (future) Wabash Avenue Extension.

As petitioners, we respectfully request the City Commissioners of Lakeland be made aware of the internal petition process, which will be presented to the City during the December 2006 scheduled meeting.

Mr. Croes sent the above letter and came this morning to present his concerns. He asked the Commission to halt the development of Access G now and for any future development. He offered to answer any questions and requested to return in December.

Mayor Fletcher explained the public hearing would be after the first of the year and that would be the time for him to address the Commission on this issue.

**PUBLIC HEARINGS**

**Ordinances (Second Reading)**

**Ordinance 4808; Proposed 06-087; Relating to the Concurrency Management System and Proportionate Fair-Share Program (1st Rdg 11/6/06)**

AN ORDINANCE OF THE CITY OF LAKELAND, FLORIDA, RELATING TO LAND USE, ESTABLISHING THE CONCURRENCY MANAGEMENT SYSTEM, INSTITUTING THE LAKELAND PROPORTIONATE FAIR-SHARE PROGRAM; PROVIDING FOR APPLICATION, PROCESSING AND APPROVAL PROCEDURES; REPEALING ORDINANCE 4243; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the ordinance. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

**Ordinance 4809; Proposed 06-088; Change in Zoning on Property Located East of County Line Industrial Park, North and West of Carillon Lakes (1st Rdg 11/6/06)**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING OF PROPERTY WITHIN THE CITY OF LAKE LAND LOCATED EAST OF COUNTY LINE INDUSTRIAL PARK, NORTH AND WEST OF CARILLON LAKES, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland explained there may be people who want to speak to this ordinance. He then read the short title.

Jim Studiale made a presentation on staff's recommendation.

Tim explained that this was property under contract to be sold to the Ruthvens. Some features of that contract included allowing the buyer to "take down" parcels as they had uses for them. This contract contemplated 5 or 6 parcels. There were jurisdictional wetlands included in this contract, which prohibited development. That land was of little value to the developer. It was valuable to the City to be able to control that wetland as buffer. The contract provided that once the upland was determined, only the upland would be sold. The City would retain title to the wetlands. There were representations that the land was zoned I-3. That was a mistake in the contract.

Bill Friend of 3931 Moonshine Way, President of Property Owners of Carillon Lakes came forward to speak. He read 2 paragraphs of the letter he mail to the Commission earlier. He spoke against the development.

Jim Studiale confirmed that the City did have a conservation land use that they could impose on the land. Land Use was much harder to change than zoning.

Charlene Bennett of 3810 Serenade Lane said she was against the development. She clarified that any development in that area would damage the wetlands.

Edward Barton of 3800 Whistle Wood Circle reviewed what he thought to be the history of the case:

- 3/14/04 Land Acquisition Committee met with Joe Ruthven and the proposal was made to purchase
- 3/31/04 Commission acted on the sale and it was I-3 zoning. Carillon Lakes property was not up for sale yet. The developer represented the lots as nature preserve lots and that adjoining land would never be developed.
- P&Z meeting staff presentation was different. Information was concealed. P&Z was not told the land was already sold as I-3.

Jim Studiale explained that the City came into ownership of this property in the 80's and it was intended to be used for a wastewater treatment plant. It has always been zoned industrial. The City declared the land surplus. If someone was doing due diligence, they would see the industrial land use.

Jim Verplanck - The City held public hearings when Carillon Lakes development was proposed. Adjacent land owners were present to make sure it was on the record that those industrial land uses were present.

The Commission discussed transferring ownership to a different jurisdictional body, like SWFMD.

Bill Door encouraged the two groups to work together on the issue.

Shirley Morrison of 4002 Wind Chime Lane was angry about the RC land use. She felt it was not clear to people moving to the area.

**Motion:** Commissioner Boring moved to approve the ordinance. Commissioner Wiggs seconded.

Commissioner Fields encouraged new names for Rural Conservation (RC) that would be less confusing to the public.

Commissioner Verplanck confirmed that the City clarified for the developer that the property was surrounded by industrial.

Commissioner Boring explained that when anyone comes before the Commission, they do their best to put themselves in the citizen's position. Staff works tirelessly everyday to minimize these types of situations.

**Action:** Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

**Ordinance 4810; Proposed 06-089; Vacating a Portion of Hunter Lane (1st Rdg 11/6/06)**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF HUNTER LANE, LOCATED SOUTH OF HUNTER STREET, NORTH OF EAST PATTERSON STREET, EAST OF SOUTH NEW YORK AVENUE AND WEST OF SOUTH FLORIDA AVENUE, WITHIN THE CITY OF LAKE LAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the ordinance. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Commissioner Yates declared a conflict. Ayes: six. Nays: zero. The motion carried.

## CITY MANAGER

### **Recommendation re: Worksite Wellness and Health Services Program**

On September 1, 2006, the City of Lakeland requested proposals from Worksite Healthcare firms to administer a proposed on-site clinic for City employees to provide pre-employment physicals, annual mandatory testing for firefighters, treatment for minor illness, wellness activities and disease management services and workers' compensation injuries referred by the City's Occupational Health Nurse not requiring a specialist. Costs for optional services, including prescription drug dispensing, were also requested. At its inception, employees who were covered under the City's Health Plan and not in collective bargaining units would be eligible for the services. Pre-employment, gas pipeline, asbestos, and annual firefighter physicals would be provided to employees, based upon current job requirements. All employees would be eligible to receive treatment under the City's Workers' Compensation program. In addition to improving the overall health and wellness of City employees, other anticipated benefits from offering the on-site clinic would be a reduction in absenteeism associated with time lost due to minor illnesses or on-the-job injuries; coupled with a potential reduction in the City Health Plan's medical claims trend.

The proposal was sent to eight vendors with proposals received from U.S. Healthworks Medical Group of Florida, Inc.; Care Here, LLC; We Care TLC; and HealthSTAT. Finalist interviews were conducted with three firms on October 11, 2006, in that one firm, Care Here, declined to participate. Upon conclusion of the interviews, the selection was narrowed to two finalists, HealthSTAT and We Care. Additional questions were sent to clarify costs for required services and references for both HealthSTAT and We Care were

contacted. The proposed cost for services is as follows:

Provider Proposed Cost

* HealthSTAT	\$409,128.00
* We Care	\$494,479.00

Given the length of service, number of employer accounts and worksite clinics, coupled with the annual cost differential and service model, and goals and guarantees, The Director of Risk Management and Purchasing and the consultant, Waters Risk Management, recommended that the bid for worksite healthcare services be awarded to HealthSTAT. The one year contract would be effective December 1, 2006, with a one year renewal option to be inclusive of a 4% increase in fees. The City would be expected to provide the clinic workspace inclusive of, at a minimum, an 8' X 10' examination room, file room, and a waiting area for clinic patients. Anticipated equipment and supply costs were estimated at \$32,981.00 and were included in the HealthSTAT proposed cost of \$409,128.00 for the one year contract. Funding for the proposed operation was included in the FY 2007 Self Insurance Budget. The clinic would be open 40 hours per week and staffed by a Nurse Practitioner and Medical Office Assistant who would also serve as a Phlebotomist. Clinic staff would be under the auspice of a local Medical Director. In addition, offsite HealthSTAT staff would assist in-house clinic personnel with the wellness/disease management programs. Visits to the clinic would be by appointment. All prescriptions that would be dispensed to treat the minor illnesses or injuries coupled with laboratory, x-ray, EKG, and other outside testing costs would be additional.

Staff recommended that the City Commission authorize the appropriate City officials to award RFP #6270 to HealthSTAT effective December 1, 2006 for a period of one year with a one year renewal option to be inclusive of a 4% increase in fees.

Tony Delgado presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

## CITY ATTORNEY

### Ordinances (First Reading)

Proposed 06-090; Consenting to Inclusion within the Polk County Parks and Recreation Municipal Service Taxing Unit

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PARKS AND RECREATION; MAKING FINDINGS; CONSENTING TO THE INCLUSION OF THE ENTIRE INCORPORATED AREA OF THE CITY OF LAKELAND WITHIN THE BOUNDARIES OF THE POLK COUNTY MUNICIPAL SERVICE TAXING UNIT FOR PARKS AND RECREATION

SERVICES, FACILITIES AND PROGRAMS; AUTHORIZING AN AD VALOREM TAX LEVY WITHIN SAID AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland explained that as a result of the discussion on Friday concerning this ordinance, he recommended holding two public hearings. On December 4, 2006 he planned to recommend the Commission continue the public hearing to December 18, 2006 to allow additional comment. Staff would also advertise a workshop to allow an opportunity to educate the public on the issue.

Tony Delgado suggested a public forum the week after Thanksgiving, November 30, 2006, here in the Chamber for the public. This would be an evening workshop.

Tim McCausland read the short title.

**Proposed 06-091; Vacating Poplar Street**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING POPLAR STREET LOCATED SOUTH AND EAST OF NORTH FLORIDA AVENUE, WEST OF LAKELAND HILLS BOULEVARD, AND NORTH OF CAROL DRIVE, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on December 4, 2006.

**Proposed 06-092; Amending Ordinance 2978, As Amended, to Accommodate the County Increase in Transportation Impact Fees**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2978, AS AMENDED; AMENDING SECTION 5(A)(4) TO PROVIDE FOR AN EFFECTIVE DATE FOR APPLICATIONS IN PROCESS; AMENDING SECTION 5(C)(1) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR TRANSPORTATION FACILITIES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on December 4, 2006.

**Resolutions**

**Resolution 4574; Proposed 06-080; Demolition of Buildings**

A RESOLUTION PROVIDING FOR THE ASSESSMENT OF A LIEN AGAINST PROPERTY FOR EXPENSE INCURRED IN THE REMOVAL OF DILAPIDATED

AND HAZARDOUS BUILDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the resolution. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Yates and Mayor Fletcher voted aye. Commissioner Fields was absent at that time. Ayes: six. Nays: zero. The motion carried unanimously.

### **Miscellaneous Reports and Communications**

- \* **Memo re: Vacation of a Portion of a Public Utility Easement at Lakeside Village on Property Owned by Casto-Oakbridge Venture, Ltd.**

This was a proposed quitclaim deed to Casto-Oakbridge Venture, Ltd. for the purpose of vacating a portion of an existing public utility easement located at Lakeside Village to accommodate the recently constructed Books-A-Million store. The easement area which encroaches upon the building site contains approximately 893 square feet. The various City and private utilities have reviewed this request and have no objections to the partial vacation. Staff recommended that the Commission authorize the appropriate City officials to execute this quitclaim deed.

**Action:** The Commission approved this item on the Consent Agenda.

- \* **Memo re: Waiver of 5:01 p.m. Hearing**

During the month of December, the Community Development Department will be presenting the Commission with certain amendments to the Land Development Regulations which will require at least one hearing after 5:00 p.m. Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be held after 5:00 p.m.

**Action:** The Commission approved this item on the Consent Agenda.

### **FINANCE DIRECTOR**

- \* **Appropriation – General Fund**

The Parks and Recreation Department requested to adjust the 2007 Library Cooperative budget by \$160,000 for the development and purchase of the new collection for the E-library. The City of Lakeland would own and manage the collection. This collection was

estimated to be 6,000 to 8,000 items that were selected in support of this new library service. The City anticipated receiving County-Wide Library Cooperative Revenues in December that would more than offset the cost associated with this requested book purchase. Staff requested that the City Commission authorize an increase in estimated revenue and a corresponding appropriation in the amount of \$160,000 from the unappropriated surplus of the General Fund.

**Action:** The Commission approved this item on the Consent Agenda.

**MAYOR AND MEMBERS OF THE CITY COMMISSION**

Happy Thanksgiving!

**CALL FOR ADJOURNMENT – 10:59 a.m.**

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Ralph L. Fletcher, Mayor

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Kelly S. Koos, CMC, City Clerk

## **AGENDA STUDY SESSION**

### **November 17, 2006**

The Lakeland City Commission met in the Agenda Study Session on Friday, November 17, 2006 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Wiggs was out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne, City Clerk Kelly Koos and administrative staff were present.

Mayor Fletcher called the meeting to order at 8:33 a.m.

Tony Delgado introduced Stephanie Paine, a Lakeland High School student. He announced the services for Vince Shannon, Senior Chaplain at LPD. He then covered the Presentations.

Tim McCausland covered the Requests to Appear from the public and distributed a handout concerning this request. This handout is on file in the agenda packet. Jim Studiale said the hearing on this issue was tabled in P&Z. P&Z would deal with everything when the case was rescheduled. It would be debated as part of the zoning case.

Tim McCausland covered the Public Hearings. Staff planned to make a brief presentation on Monday concerning proposed 06-088. They did expect the public to turn out on Monday.

Tony Delgado presented the City Manager item. This was an in-house clinic that would provide free services to the employees. Karen Lukhaub and Susan Kindler made a presentation. The RFQ got 8 responses. Staff recommended HealthSTAT. The annual cost for the first year was \$409,000. Participants would be employees under the health plan. Union employees would have to negotiate for the benefit. HealthSTAT guaranteed to reduce the City's claims trend by 50% or they would reimburse 1/2 of their administration fee.

Susan Kindler gave a PowerPoint presentation on HealthSTAT. (Get that presentation) They will need good participation to affect the claims trend. If 90% of employees participate, they would reduce the claims trend by 50%. No employee personal health information would ever get to the City. No one within the city would have access to medical records. HealthSTAT would educate the employees on the program.

The consensus was to move forward.

Tony Delgado explained this would be on the table for collective bargaining.

Tony Delgado offered the following verbals:

- The Christmas parade route was modified this year.
- FDOT offered grant dollars to the County. The County has offered that money to the City to do landscaping at the Kathleen and I-4 interchange.
- The Kryger Park dedication was Saturday, November 25, 2006 from 6-8p.m.
- January 16, 2007 was the Polk County Legislative Delegation meeting at PCOC.

Tim McCausland covered the City Attorney agenda.

Proposed 06-090; Consenting to Inclusion within the Polk County Parks and Recreation Municipal Service Taxing Unit. The Commission discussed what the City should do to tell the public this was coming up for a vote. Tony said he would get Kevin on board to get the word out. The County would be holding their own public hearings to expand the boundaries of the MSTU.

Greg Finch covered the Finance Director agenda.

The meeting adjourned at 9:44 a.m.

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Ralph L. Fletcher, Mayor

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Kelly S. Koos, CMC, City Clerk